

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

October 27, 2009

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Susan Schaefer Kliman.
2. ROLL CALL - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, David Komm, Susan Schaefer Kliman, Claudia Perchinelli, Howell "Chip" Shay, John Willett. Absent: Erick Weiland and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, La Vern Douglas, Kathryn Fuller, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. CALL TO THE PUBLIC - No members of the public addressed the Board.
4. ADOPTION OF MINUTES - Mr. Shay moved to approve the September 22, 2009. Mr. Epperson seconded. Motion Carried.
5. ENFORCEMENT MATTERS
Review, Consideration and Possible Vote on the following:
 - A. Proposed Consent Agreements
 1. M08-047, Civil Design Group, PLC - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$285.00. Mr. Willett seconded. After discussion, Motion Carried.
 2. M09-058, GCH Limited - Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Probation: Respondent shall be placed on probation until Respondent pays Systems Design Engineering \$8,400.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$115.00. Mr. Komm seconded. After discussion, Motion Carried.
 - B. Enforcement Advisory Committee ("EAC") Candidates
 1. David Stan Dickey, Land Surveyor #32224 - Mr. Epperson moved to accept Mr. Dickey's application for appointment as an EAC member. Ms. Perchinelli seconded. Motion Carried.
 2. Todd E. Rakstad, Land Surveyor #42847 - Mr. Epperson moved to accept Mr. Rakstad's application for appointment as an EAC member. Mr. Komm seconded. Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

A. Home Inspector Rules and Standards Committee ("HIRS") Appointment

1. David Swartz, Certified Home Inspector #38046 – Mr. Shay moved to accept Mr. Swartz's application for re-appointment as an HIRS committee member. Mr. Epperson Seconded. Motion Carried.

B. Proposed Consent Agreement

1. HI09-018 Mitchell B. Holt, CHI #40509 – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$800.00; Probation: Respondent is placed on probation until he has paid restitution to Ron & Joyce Mills in the amount of \$315.00; Open Book Test: Respondent shall take and pass with a score of 100% an open book test of the Board's Statutes and Rules within 30 days; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$146.00. Ms. Perchinelli seconded. After discussion, Motion Carried.

7. Review, Consideration, and Possible Vote on the following:

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. Examination

1. Brian Predmore, Architect-in-Training Application #090215 – Mr. Shay moved to grant Mr. Predmore's request to take the Examination. Ms. Cesare seconded. After discussion, Motion Carried.

B. Registration

1. James S. Knittel, Certified Home Inspector Application #090991 – Mr. Knittel addressed the Board. Mr. Shay moved to accept Mr. Knittel's application and grant him certification. Ms. Cesare seconded. After discussion, Motion Carried.
2. Stephen A. White, Certified Home Inspector Application #091028 – Mr. White addressed the Board. Mr. Shay moved to accept Mr. White's application and grant him certification. Ms. Cesare seconded. After discussion, Motion Carried.
3. Kenneth M. Kaiser, Certified Home Inspector Application #091029 – Mr. Kaiser addressed the Board. Mr. Shay moved to accept Mr. Kaiser's application and grant him certification. Mr. Komm seconded. After discussion, Motion Carried.
4. Benjamin E. Schern, Certified Home Inspector Application #091073 – Mr. Schern addressed the Board. Mr. Epperson moved to accept Mr. Schern's application and grant him certification. Mr. Komm seconded. After discussion, Motion Carried.

5. J. Chris Pfahl, P.E. (Mining) Application #091085 – Mr. Komm moved to accept Mr. Pfahl's application and grant him registration. Ms. Epperson seconded. After discussion, Motion Carried.

8. Review, Consideration, and Possible Vote on the following:

EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

1. Granting of professional or in-training registration – Mr. Shay moved to grant those applicants registration or in-training designation as listed. Ms. Perchinelli seconded. Motion Carried.

2. Approval to sit for the professional or in-training examination – Mr. Shay moved to approve those applicants as listed to sit for the professional or in-training examinations. Ms. Perchinelli seconded. Motion Carried.

3. Recommendation for denial of professional or in-training examination – Mr. Shay moved to accept Staff's recommendation and administratively deny those professional or in-training applicants as listed. Ms. Perchinelli seconded. Motion Carried.

9. LAPSE LIST – Mr. Shay moved to lapse the registration of the individuals as listed. Mr. Komm seconded. Motion Carried.

10. Review, Consideration, and Possible Vote on the following:

1. Election of Board Chair, Vice Chair, and Secretary

Mr. Epperson moved to elect Ms. Cesare as the Board Chair. Mr. Komm seconded. Motion carried.

Mr. Epperson moved to elect Mr. Shay as the Board Vice Chair. Mr. Komm seconded. Motion carried.

Mr. Epperson moved to elect Dr. Schaefer Kliman as the Board Secretary. Mr. Komm seconded. Motion carried.

11. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Rule Changes:

All rule making activity is still on hold for an undetermined period. The Board is currently working with the Governor's office to see whether any of its proposed rules qualify for exemption.

Budget:

The Board provided the Governor's office with a 2010 budget reflecting the impact a 15% decrease in our appropriation would cause as requested.

The Governor's office asked for permanent cut evaluations to be made and we did that. Unfortunately, if the situation does require cuts of that magnitude, there will be no choice in FY2011, we will have to reduce staff. A fiscal year reduction in the last half of FY2010 followed by a 30% reduction in FY2011 would require an annual reduction of over \$500,000.00.

Personnel

Despite the hiring freeze, the Board was authorized to fill three recently vacated positions. One investigator position has already been filled by C. Vernon Lewis, a longtime EAC public member and an experienced investigator. Hiring lists for the other two positions have been requested.

12. **BOARD CHAIR'S REPORT** – Dr. Schaefer Kliman thanked the Board for allowing her to chair the meetings.

13. **STANDING COMMITTEE REPORT**

1. **Legislation and Rules Committee ("L&R")** – Dr. Schaefer Kliman advised the L&R Committee will be meeting after this Board meeting ends and she will provide a report at the November 24, 2009 meeting.
2. **Budget Committee** – Mr. Dalrymple advised the Board submitted documents reflecting a 15% decrease in its FY2010 appropriation.
3. **Home Inspector Rules and Standards Committee ("HIRS")** – Mr. Shay advised the HIRS committee is looking at a possible substantive policy statement regarding professional level of care and provisions outside the scope of services for pools and spas; There is concern that home inspectors are billing through escrow which may result in a conflict of interest; and some home inspectors may be violating the advertising rule by referring and/or conducting termite inspections. Further information will be forthcoming on these last two issues. The next HIRS meeting is scheduled for November 4, 2009.
4. **Environmental Remediation Rules and Standards Committee ("ERRS")** – Nothing to report.

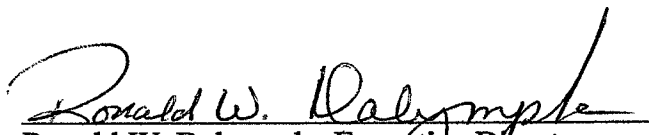
14. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

1. **National Council of Examiners for Engineering and Surveying ("NCEES")** – Nothing to report.
2. **National Council of Architectural Registration Boards ("NCARB")** – Dr. Schaefer Kliman advised she attended an Intern Development Program meeting in Seattle, Washington. Discussion included the issue of at what point does an applicant become eligible to test, which is similar to the issues our Board is dealing with; and NCARB's evaluation of an applicant's education by giving one credit for every one credit of education completed and indicating eligibility to test would be after the third year of education.

3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.
4. National Association of State Boards of Geology ("ASBOG") – Nothing to report.
15. FUTURE BOARD MEETINGS – Tuesday, November 24, 2009 at 9:30 AM.
16. FUTURE AGENDA ITEMS
 1. Architect-in-Training Examinations
 2. System or Component Source/End Point Proposed Substantive Policy Statement
 3. Annual Firm Registration Proposed Substantive Policy Statement
17. ADJOURNMENT – Meeting adjourned at 10:32 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Karen Cesare, Chair


Ronald W. Dalrymple, Executive Director